

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,
Plaintiff,

v.

PUFFY SMOKE SHOP #2, INC, et al.,
Defendants.

Case No. 22-cv-07099-SVK

**ORDER GRANTING AS MODIFIED
BY THE COURT PLAINTIFF'S
MOTION FOR EXTENSION OF TIME
TO SERVE DEFENDANT HANNA**

Re: Dkt. Nos. 32, 34

Plaintiff filed its complaint in this action on November 11, 2022. Dkt. 1. The time for serving Defendants under the Federal Rules expired on February 9, 2023. *See* Fed. R. Civ. Proc. 4(m). Plaintiff previously sought and obtained two extensions on its service obligation. Dkts. 12, 14, 18-19. In granting Plaintiff a second extension on April 10, 2023, the Court ordered Plaintiff to file proof of service on Defendants or a motion for leave to serve Defendants by publication by May 10, 2023. Dkt. 19. Plaintiff timely moved for leave to serve Defendant Elian Hanna (“Hanna”) by publication. Dkt. 26.

On June 6, 2023, the Court denied without prejudice Plaintiff’s motion for leave to serve Hanna by publication and directed Plaintiff either to refile a motion for leave to serve by publication correcting the deficiencies identified or to show cause in writing why the claims against Hanna should not be dismissed. Dkt. 32. Plaintiff timely filed a written response to the Court’s Order to Show Cause and simultaneously moved for a 60-day extension to effect service on Hanna. Dkt. 34. In its motion, Plaintiff indicated that it has identified yet another address for Hanna and that it has contacted Hanna’s counsel in another matter to inquire whether Hanna would be willing to waive service. *Id.* ¶¶ 7, 10.

The Court is concerned about the diligence of Plaintiff’s efforts to serve Hanna, however,

1 in view of these representations, the Court exercises its discretion under Federal Rule 4(m) to
2 permit Plaintiff an additional **21 days** from the date of this Order to serve Hanna. Plaintiff must
3 file proof of service on Hanna no later than **July 20, 2023**. No further extensions will be granted.
4 If Plaintiff fails to file proof of service on Hanna by this deadline, then Plaintiff is **ORDERED**
5 **TO SHOW CAUSE** in writing why the claims against Hanna should not be dismissed for failure
6 to prosecute. Plaintiff's written response to this Order to Show Cause must be filed no later than
7 **August 1, 2023**, and Plaintiff shall appear for a hearing on the Order on **August 8, 2023**, at **10:00**
8 **a.m.** Accordingly, the Court continues the hearing currently set for July 11, 2023 to August 8,
9 2023, at 10:00 a.m.

10 **SO ORDERED.**

11 Dated: June 29, 2023

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14 SUSAN VAN KEULEN
15 United States Magistrate Judge
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